

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
LISA GREENE,

Plaintiff(s),

CASE NO. 07-CV.-6690

v.

PATRON SYSTEMS, INC., ROBERT YAW,  
As an office director and ROBERT YAW,  
Individually, PETER BISTRAN, ALAN F.  
MARKOVITZ, JANE DOE and JOHN DOE,  
1-10 whose real names and identities are  
unknown to the Plaintiff at this time,

VERIFIED ANSWER  
TO COMPLAINT

Defendant(s).  
\_\_\_\_\_

Defendant, **ROBERT YAW** (MR. YAW), by their attorneys, **BIVONA & COHEN, P.C.**, as and for his Answer to the plaintiff's complaint alleges upon information and belief:

1. Defendant denies each and every allegation of the paragraph of the complaint designated "1".
2. Defendant denies each and every allegation of the paragraph of the complaint designated "2".
3. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "3".
4. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "4".
5. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "5".

6. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "6".

7. Defendant denies each and every allegation of the paragraph of the complaint designated "7".

8. Defendant denies each and every allegation of the paragraph of the complaint designated "8".

9. Defendant denies each and every allegation of the paragraph of the complaint designated "9".

10. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "10".

11. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "11".

12. Defendant denies each and every allegation of the paragraph of the complaint designated "12".

13. Defendant denies each and every allegation of the paragraph of the complaint designated "13".

14. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "14".

15. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "15".

16. Defendant denies each and every allegation of the paragraph of the complaint designated "16".

17. Defendant denies each and every allegation of the paragraph of the complaint designated "17".

18. Defendant denies each and every allegation of the paragraph of the complaint designated "18".

19. Defendant denies each and every allegation of the paragraph of the complaint designated "19".

20. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "20".

21. Defendant denies each and every allegation of the paragraph of the complaint designated "21".

22. Defendant denies each and every allegation of the paragraph of the complaint designated "22".

23. Defendant denies each and every allegation of the paragraph of the complaint designated "23".

**AS AND FOR A RESPONSE TO PLAINTIFF'S COUNT I**

24. In response to paragraph "24" of the complaint, this answering defendant repeats, reiterates and re-alleges each and every response to allegations of the paragraphs of the complaint designated "1" through "23" as if more fully set forth at length herein.

25. Defendant denies each and every allegation of the paragraph of the complaint designated "25".

26. Defendant denies each and every allegation of the paragraph of the complaint designated "26".

27. Defendant denies each and every allegation of the paragraph of the complaint designated "27".

28. Defendant denies each and every allegation of the paragraph of the complaint designated "28".

29. Defendant denies each and every allegation of the paragraph of the complaint designated "29".

30. Defendant denies each and every allegation of the paragraph of the complaint designated "30".

31. Defendant denies each and every allegation of the paragraph of the complaint designated "31".

32. Defendant denies each and every allegation of the paragraph of the complaint designated "32".

33. Defendant denies each and every allegation of the paragraph of the complaint designated "33".

**AS AND FOR A RESPONSE TO PLAINTIFF'S COUNT II**

34. In response to paragraph "34" of the complaint, this answering defendant repeats, reiterates and re-alleges each and every response to allegations of the paragraphs of the complaint designated "1" through "33" as if more fully set forth at length herein.

35. Defendant denies each and every allegation of the paragraph of the complaint designated "35".

36. Defendant denies each and every allegation of the paragraph of the complaint designated "36".

**AS AND FOR A RESPONSE TO PLAINTIFF'S COUNT III**

37. In response to paragraph "37" of the complaint, this answering defendant repeats, reiterates and re-alleges each and every response to allegations of

the paragraphs of the complaint designated "1" through "36" as if more fully set forth at length herein.

38. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "38".

39. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "39".

40. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "40".

41. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "41".

42. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "42".

43. Defendant denies each and every allegation of the paragraph of the complaint designated "43".

44. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "44".

45. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "45".

46. Defendant denies each and every allegation of the paragraph of the complaint designated "46".

47. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "47".

48. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "48".

**AS AND FOR A RESPONSE TO COUNT IV**

49. In response to paragraph "49" of the complaint, this answering defendant repeats, reiterates and re-alleges each and every response to allegations of the paragraphs of the complaint designated "1" through "48" as if more fully set forth at length herein.

50. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "50".

51. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "51".

52. Defendant denies each and every allegation of the paragraph of the complaint designated "52".

53. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "53".

**AS AND FOR A RESPONSE TO PLAINTIFF'S COUNT V**

54. In response to paragraph "54" of the complaint, this answering defendant repeats, reiterates and re-alleges each and every response to allegations of the paragraphs of the complaint designated "1" through "53" as if more fully set forth at length herein.

55. Defendant denies each and every allegation of the paragraph of the complaint designated "55".

56. Defendant denies each and every allegation of the paragraph of the complaint designated "56".

57. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "57".

58. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "58".

59. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "59".

60. Defendant denies each and every allegation of the paragraph of the complaint designated "60".

**AS AND FOR A RESPONSE TO PLAINTIFF'S COUNT VI**

61. In response to paragraph second "61" of the complaint, this answering defendant repeats, reiterates and re-alleges each and every response to allegations of the paragraphs of the complaint designated "1" through "60" as if more fully set forth at length herein.

62. Defendant denies each and every allegation of the paragraph of the complaint designated "62".

63. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "63".

64. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "64".

65. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "65".

66. Defendant denies knowledge or information sufficient to form a belief as to each and every allegation of the paragraph of the complaint designated "66".

67. Defendant denies each and every allegation of the paragraph of the complaint designated "67".

**DEFENSES AND AFFIRMATIVE DEFENSES**

68. The complaint fails to state a claim upon which relief may be granted.

69. Plaintiff's claims of fraud and negligent representation are barred by the applicable statute of limitations.

70. This action and any relief sought by plaintiff is barred, in whole or in part, by such additional defenses as defendants may have that cannot now be articulated due to the generality or portions of plaintiff's pleadings and because discovery has not been completed. Accordingly, defendants reserve the right to supplement the foregoing and to raise additional defenses as may appear as the case progresses.

**WHEREFORE**, the answering defendant, **ROBERT YAW**, demands judgment dismissing the complaint of the plaintiff against defendant, and for costs and disbursements against the adverse parties.

Dated: New York, New York  
March 6, 2008

Yours, etc.,

BIVONA & COHEN, P.C.  
Attorneys for Defendant  
**ROBERT YAW**  
Wall Street Plaza  
88 Pine Street, 17<sup>th</sup> Floor  
New York, New York 10005  
(212) 363-3100

BY:

  
JOHN V. BIVONA, ESQ.



TO: Douglas R. Dollinger, Esq.  
Attorney for Plaintiff  
40 Matthews Street, Suite 101  
Goshen, New York 10924

United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312  
Attn: Chambers Hon. Naomi Reice Buchwald USDCJ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
LISA GREENE,

X

Plaintiff(s),

CASE NO. 07-CV.-6690

v.

PATRON SYSTEMS, INC., ROBERT YAW,  
As an office director and ROBERT YAW,  
Individually, PETER BISTRAN, ALAN F.  
MARKOVITZ, JANE DOE and JOHN DOE,  
1-10 whose real names and identities are  
unknown to the Plaintiff at this time,

ATTORNEY'S VERIFICATION

Defendant(s).

\_\_\_\_\_  
X

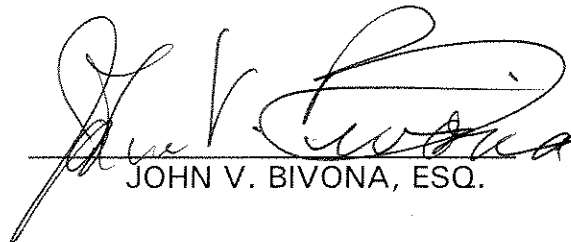
JOHN V. BIVONA, ESQ., an attorney-at-law, affirms, under the penalties of perjury, as follows:

That he is a partner of the law firm of BIVONA & COHEN, P.C., attorneys for the defendant, ROBERT E. YAW, in the within action; that deponent has read the foregoing Verified Answer, and knows the contents thereof; that the same is true to deponent's own knowledge except as to the matters therein stated upon information and belief and as to those matters, deponent believes them to be true.

Deponent further states that the grounds for deponent's belief as to all matters not stated upon deponent's knowledge and the source of deponent's knowledge as to all the matters therein stated is the evidence in deponent's possession.

Deponent further states that the reason why this verification is not made by the deponent is that said defendant is not now located within the County where deponent's firm has its office.

Dated: New York, New York  
March 6, 2007

  
\_\_\_\_\_  
JOHN V. BIVONA, ESQ.

STATE OF NEW YORK                    ]  
  ] ss.:  
COUNTY OF NEW YORK                ]

NINA DAZZO, being duly sworn, deposes and says:

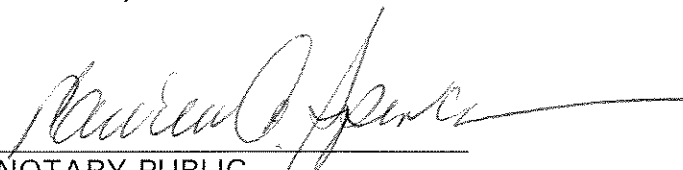
I am not a party to the within action and, am over 18 years of age and reside in Staten Island, New York, that on the 6<sup>th</sup> day March 2008, I served a true copy of the enclosed VERIFIED ANSWER, by mailing same in a sealed envelope with postage prepaid, at an official depository of the United States Post Office, addressed to the last known address of the addressee(s) listed below:

  
NINA DAZZO

TO: Douglas R. Dollinger, Esq.  
Attorney for Plaintiff  
40 Matthews Street, Suite 101  
Goshen, New York 10924

United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312  
Attn: Chambers Hon. Naomi Reice Buchwald USDCJ

Sworn to before me this  
6<sup>th</sup> day of March 2008

  
NOTARY PUBLIC

**MAUREEN A. SPENCER**  
Notary Public, State of New York  
No. 01SP4949495  
Qualified in Richmond County  
Commission Expires May 30, 2011

Index No.

Year 20

07 CIV-6690

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SOUTHERN DISTRICT OF NEW YORK

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Plaintiff(s),

- against -

PATRON SYSTEMS, INC., ROBERT YAW,  
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MARKOVITZ, JANE DOE and JOHN DOE,  
1-10 whose real names and identities are  
unknown to the Plaintiff at this time,

Defendant(s).

VERIFIED ANSWER

**BIVONA & COHEN, P.C.**  
*Attorneys for*  
**Defendant**  
88 PINE STREET  
WALL STREET PLAZA  
NEW YORK, N.Y. 10005-1886  
(212) 363-3100

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

.....  
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box



NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named court on

20



NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court,

at  
on

20

, at

M.

Dated:

**BIVONA & COHEN, P.C.**

*Attorneys for*

88 PINE STREET  
WALL STREET PLAZA  
NEW YORK, N.Y. 10005-1886

To: